United Nations A/62/124

General Assembly

Distr.: General
12 July 2007

Original: English

Sixty-second session
Item 87 of the preliminary list*
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and the *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 61/38 of 4 December 2006, the present report outlines the progress made by the Secretariat in 2006 and 2007 in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited, in paragraphs 13 and 22 of the present report, to take action in the light of the conclusions drawn in sections II.H and III.E of the present report.

* A/62/50.

07-42365 (E) 020807

I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 61/38 of 4 December 2006. In paragraph 9 of the resolution, the Assembly commended the Secretary-General for the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme and the wider cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*. In paragraphs 10 and 11, it called upon the Secretary-General to continue his efforts in updating the *Repertory* and the *Repertoire*; reiterated the responsibility of the Secretary-General for the quality of the two publications and, with regard to the *Repertoire*, requested him to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952 (A/2170). In paragraphs 12 and 13, the Assembly recognized the desirability of making available electronically the *Repertory* and the *Repertoire* in all their respective language versions; and reiterated its call for voluntary contributions to the trust fund for the updating of the *Repertoire*, as well as the trust fund for the elimination of the backlog of the *Repertory* and the sponsoring, on a voluntary basis, and at no cost to the United Nations, of associate experts to assist in the updating of the two publications. Finally, in paragraph 14, the Assembly requested the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its sixty-second session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of Supplements to the *Repertory of Practice of United Nations Organs*

2. In 2007, the Secretariat finalized and submitted for translation and publication volume I of Supplement No. 9 (1995-1999). Consequently, in respect of volume I, Supplements Nos. 1 to 9 have been brought to completion and made available on the website of the *Repertory* (www.un.org/law/repertory). In respect of volume V, Supplements Nos. 8 and 9 are near completion; seven other volumes are in different stages of preparation. In particular, during the period under review, in addition to volume V, work also progressed with respect to volume II of Supplements Nos. 7, 8 and 9 and volume IV of Supplements Nos. 8 and 9. As a means of addressing the backlog on volume III of Supplements Nos. 7, 8 and 9 (1985-1999), Articles have been identified for which studies of the *Repertoire* and the *Repertory* overlap. In such cases, in accordance with a decision taken by the Interdepartmental Committee on Charter Repertory, cross-references have been provided to the studies of the *Repertoire*, where appropriate. Furthermore, volume II of Supplement No. 6, which has been available on the Internet for some time, has been issued in hard copy.

3. The Secretariat continued to make available on the Internet advance versions of several studies pertaining to individual Articles of the Charter of the United Nations which have been finalized and are awaiting completion of the respective volumes.

4. The current status of the publication (original *Repertory* and supplements thereto), which should consist as a whole of 50 volumes (1946-2005), is as follows:

28 volumes have been published,[1] and four volumes have been finalized and submitted for publication.[2] Consequently, the work to be completed comprises 18 volumes, 9 of which are in different stages of preparation.

5. Annex I sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual Articles of the Charter. Annex II provides information on the status of the *Repertory*.

B. Availability of *Repertory* studies on the Internet

6. Studies from 32 complete volumes, including the 4 volumes in processing for publication, as well as studies on individual Articles of the Charter from 9 volumes not yet complete, are accessible to users on the United Nations website for the *Repertory*. The electronic version of the *Repertory* has proven indispensable in reducing the backlog in the *Repertory* by making individual studies available before the issuance of the respective Supplement volumes. In addition, the Secretariat has added a full-text search feature to the website giving the user the opportunity to search all the studies instantaneously for any word or combination of words, which will enhance the value of the *Repertory* as a research tool. The search engine is available in the three languages of the publication, namely English, French and Spanish.

7. Currently, all studies available in English are on the Internet, while a number of them are also available in French and Spanish. Pursuant to the General Assembly's request that all versions of the *Repertory* be made available electronically, a large number of additional studies in French and Spanish have been placed on the Internet since my previous report (A/61/153) was issued in 2006. Furthermore, a number of studies that have been done in cooperation with academia have been prepared in French. The Secretariat will continue to make available electronically all three language versions of completed *Repertory* studies.

C. Publication of volumes in language versions

8. The French version of volume II of Supplement No. 6 has been published. Volume III of Supplement No. 6 and volumes V and VI of Supplement No. 7 have been published in French and Spanish.

D. Cooperation with academic institutions

9. The well-established cooperation with Columbia University Law School continued for the fourth consecutive year; seven students contributed to the preparation of studies incorporated in volume V of Supplement No. 8. Furthermore, the collaboration project established with French-speaking academic institutions (University of Paris X — Nanterre, University of Paris I — Sorbonne, University of Paris II — Assas, University of Nice, University of Aix-Marseille III, Free

[1] *Repertory* and Supplements Nos. 1-6 (1946-1984), for a total of 26 volumes, and volumes V and VI of Supplement No. 7 (1985-1988).

[2] Volumes I and IV of Supplement No. 7 (1985-1988) and volume I of Supplements Nos. 8 (1989-1994) and 9 (1995-1999).

University of Brussels and University of Geneva) to carry out research for the preparation of studies on certain Articles has given its first results and advance versions of such studies have been placed on the Internet, in French, after their review by the Secretariat. These studies pertain to volume IV of Supplements Nos. 8 and 9 and volume II of Supplement No. 7. Furthermore, several other studies are currently under preparation, corresponding to volume II of Supplements Nos. 7, 8 and 9 and volume IV of Supplements Nos. 8 and 9. These studies are expected to be completed in the coming months.

E. Trust fund

10. In resolution 61/38, the General Assembly reiterated its call for voluntary contributions to the trust fund established pursuant to resolution 59/44 of 2 December 2004 to eliminate the backlog in the *Repertory*. Accordingly, a note verbale was sent to all Permanent Missions to the United Nations reminding them of the possibility to make voluntary contributions to the trust fund and requesting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals who might be able to assist in that regard. The Secretary-General welcomes the donation of $30,000 received from Greece, the first Member State to make a contribution to the trust fund.

F. Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

11. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization considered the item on the *Repertory* and the *Repertoire* at its 2007 session, held from 7 to 15 February. In its report,[1] the Special Committee recommended, inter alia, with respect to the *Repertory*, that the General Assembly commend the Secretary-General for the progress made in the preparation of studies, including the increased use of the internship programme of the United Nations and the further expanded cooperation with academic institutions; that it reiterate its call for voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*, and the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; that it call upon the Secretary-General to continue his efforts towards updating the publication and making it available electronically in all its language versions; and that it reiterate the responsibility of the Secretary-General for the quality of the *Repertory*.

G. Interdepartmental Committee on Charter *Repertory*

12. The Interdepartmental Committee on Charter *Repertory* noted the progress made in the preparation of studies of the *Repertory* and the innovative ways used to address the backlog, including the use of interns and externs and the cooperation undertaken with several French-speaking academic institutions. As a means of addressing the backlog in volume III, it was decided to examine whether it would be

[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 33* (A/62/33).

possible to identify "overlapping" studies of the *Repertoire* and the *Repertory* in order to make cross-references in the *Repertory* to the relevant volumes of the *Repertoire*, where appropriate. Finally, the Committee decided that Supplement No. 10 would cover the six-year period from 2000 to 2005.

F. Conclusions

13. **With respect to the *Repertory*, in the light of the above, the General Assembly may wish:**

(a) **To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);**

(b) **To consider the recommendation of the Special Committee (see para. 11 above) concerning the increased use of the internship programme of the United Nations and the further expanded cooperation with academic institutions for the preparation of studies; voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory*; the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the updating of the publication; the call upon the Secretary-General to continue his efforts towards updating the publication; the desirability of making the *Repertory* available electronically in all its language versions; and the reiteration of the Secretary-General's responsibility for the quality of the *Repertory*;**

(c) **To express appreciation for the first contribution received to the trust fund for the elimination of the backlog in the *Repertory*.**

III. *Repertoire of the Practice of the Security Council*

A. Mandate and preparation

14. The *Repertoire of the Practice of the Security Council*, originally mandated by the General Assembly in its resolution 686 (VII) of 5 December 1952, continues to provide a record of the evolving practice and procedure of the Security Council in the framework of the Charter of the United Nations and the Council's provisional rules of procedure. Within the limits of the resources available to it, the Secretariat has directed its efforts at producing the *Repertoire* in the most expeditious manner consistent with accuracy and balance, taking advantage of growing technological possibilities.

15. The Secretariat has continued to implement the "two-track" approach, most recently endorsed by the General Assembly in resolution 61/38. This approach has enabled the Secretariat to focus on the Security Council's contemporary practice, in which Member States have expressed the most interest, while concurrently ensuring progress in coverage of the Council's earlier practice. The two-track approach has also included efforts to capture the evolving practice of the Council within the context of the modalities outlined in paragraphs 102 to 106 of the Secretary-General's report of 18 September 1952 (A/2170).

16. With regard to the Council's past practice, publication of the eleventh Supplement to the *Repertoire*, covering the period from 1989 to 1992, is scheduled for the end of 2007. The twelfth Supplement, covering the period from 1993 to 1995, has also been brought to completion and is expected to be published in early 2008. In the meantime, all chapters of this Supplement have been made available on the website in their advance versions. Work on the thirteenth Supplement, covering the remaining four-year period to the end of the decade (1996-1999), is progressing. Most chapters of this volume dealing with the procedural as well as constitutional aspects of the Council's practice will be posted in an advance version by the end of 2007.

17. As for the coverage of the Council's contemporary practice, work on the millennium volume (fourteenth Supplement), covering the period from 2000 to 2003, is proceeding apace. The procedural chapters of this volume have been posted in an advance version and the chapters dealing with the constitutional aspects of the Council's practice are expected to be posted in an advance version by the end of 2007.

18. The Secretariat has initiated work on the fifteenth Supplement, covering a two-year period (2004-2005). The progress on this Supplement will depend, however, on completion of the thirteenth and the fourteenth Supplements as well as the availability of resources, which is considered further below.

B. Publication in language versions (print and electronic)

19. By General Assembly resolution 55/222, the Secretariat was mandated to publish the *Repertoire* in all six official languages starting in 2000. In addition to carrying out this mandate, the Secretariat has made the *Repertoire* available on all language versions of the United Nations website,[4] with the most recently published Supplement (covering the period from 1985 to 1988) posted in all six languages. In a major effort to further increase language availability, and in response to General Assembly resolution 61/38, the Secretariat has digitalized and posted the original and subsequent nine Supplements of the French-language *Repertoire*, previously available only on a limited basis in hard copy.

C. Advance publication

20. To allow access to information as quickly as possible, the Secretariat has posted on the website finalized chapters of the *Repertoire* in an advance version. All chapters of the eleventh and twelfth Supplements and individual chapters of the thirteenth and fourteenth Supplements are accessible on the website (see annex III to the present report).

[4] Arabic: www.un.org/arabic/sc/repertoire; Chinese: www.un.org/chinese/aboutun/prinorgs/sc/repertoire; English: www.un.org/Depts/dpa/repertoire; French: www.un.org/french/docs/cs/repertoire; Russian: www.un.org/russian/sc/repertoire; Spanish: www.un.org/spanish/Depts/dpa/repertoire.

D. Resources

21. The preparation and production of the *Repertoire* would not have been possible without the continued support of the General Assembly. Research assistance from interns has also served as an important resource for the work on the *Repertoire*. Voluntary contributions to the trust fund for the updating of the *Repertoire* remain an important element for sustaining progress in a situation of financial constraint. Since the last report (A/61/153), in response to an appeal letter dated 13 December 2006 sent to Member States on behalf of the Secretary-General, contributions to the trust fund have been received from Albania, Angola, Greece, Ireland, Turkey, the Republic of Korea, the Russian Federation and the United Kingdom. In addition, Germany and Italy have continued to contribute by sponsoring two associate expert positions in the relevant branch of the Secretariat. The infusion of these resources has enabled the Secretariat to achieve concrete progress in bringing the *Repertoire* much closer to the goal of being up to date. The challenge, however, remains to be fully met. Member States are therefore encouraged to continue supporting the *Repertoire* in concrete ways.

E. Conclusions

22. **With respect to the *Repertoire of the Practice of the Security Council*, in the light of the above, the General Assembly may wish:**

(a) **To note the progress made towards the updating of the *Repertoire*;**

(b) **To note the attainment of posting the *Repertoire* in electronic form in all language versions on the United Nations website;**

(c) **To note with appreciation the digitalization and electronic posting of all previously published French-language versions of the *Repertoire*;**

(d) **To reiterate its call for voluntary contributions to the trust fund for the updating of the *Repertoire*, and note with appreciation the contributions made by the Governments of Albania, Angola, Greece, Ireland, Turkey, the Republic of Korea, the Russian Federation and the United Kingdom during the past year;**

(e) **To note with appreciation the support which Germany and Italy have extended by sponsoring, on a voluntary basis, associate experts to assist in the updating of the *Repertoire*, and encourage other Member States in a position to do so to consider providing such assistance.**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual Articles of the Charter of the United Nations*

Department	Repertory *volume*
Office of Legal Affairs	Volume I: Articles 1 to 7
	Volume II: Articles 13 (1) (a), 18, 19 and 22
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Department for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86 and 89 to 91
Department of Management	Volume II: Article 17
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Articles 8[a] and 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

* This distribution is the result of several decisions of the Interdepartmental Committee on Charter *Repertory* taken at various points in time since 1996 and is subject to review by the Committee.

[a] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Status of the *Repertory of Practice of United Nations Organs* (July 2007)

Legend:

Volumes published and on Internet	Studies on Internet	Studies in preparation or under review	Cross reference to the *Repertoire* of the Security Council

Note: Studies of Articles of the Charter for Supplements Nos. 6 to 9 are divided into volumes, as indicated below. Studies for the previous Supplements (Nos. 1 to 5) and the original *Repertory* were organized in a different manner, which is not reflected in the chart.

Volume, Articles (paras. in parentheses)	*Supplements*									
	Original Repertory	*1*	*2*	*3*	*4*	*5*	*6 (1979-1984)*	*7 (1985-1988)*	*8 (1989-1994)*	*9 (1995-1999)*
Volume I							**I**	**I**	**I**	**I**
Articles 1 (1, 3, 4), 2 (1-3, 5), 2 (4)										
Articles 2 (6), 3-7, 8										
Articles 1 (2), 2 (7)										
Volume II							**II**	**II**	**II**	**II**
Articles 13 (1a, 2nd phrase), 16, 18, 19, 22										
Article 12										
Articles 10-11, 14										
Article 15										
Article 13 (1b, 2)										
Articles 9, 13 (1a, 1st phrase), 17, 20, 21										
Volume III							**III**	**III**	**III**	**III**
Articles 23-26, 28-29, 33-54									1989-1992	1993-1995 / 1996-1999
Articles 27, 30-32										
Volume IV							**IV**	**IV**	**IV**	**IV**
Articles 55 (a, b, c), 57-59, 62 (1, 3), 62 (4), 63, 64, 68, 70, 71										
Articles 56, 62 (2), 65										

Volume, Articles (paras. in parentheses)	*Supplements*									
	Original Repertory	*1*	*2*	*3*	*4*	*5*	*6 (1979-1984)*	*7 (1985-1988)*	*8 (1989-1994)*	*9 (1995-1999)*
Articles 60, 61, 66, 67, 69, 72										
Volume V							**V**	**V**	**V**	**V**
Articles 73,74, 75, 77-91										
Article 76										
Volume VI							**VI**	**VI**	**VI**	**VI**
Articles 92-96, 98-treaties, 102, 106-111										
Articles 99, 103-105										
Article 100										
Articles 97, 98-other, 101										

Studies prepared between 1954-1980

Studies prepared 1996-2007

Annex III

Status of the *Repertoire of the Practice of the Security Council* (June 2007)

	Chapters finalized and on the Internet in advance version (www.un.org/Depts/dpa/repertoire)	Initial drafts completed	Chapters in preparation

Supplement	*Procedural chapters*							*Chap. 8*	*Constitutional chapters*				*Languages (published)*
	1	*2*	*3*	*4*	*5*	*6*	*7*		*9*	*10*	*11*	*12*	
Original volume 1946-1951													English, French
Supplement I 1952-1955													English, French
Supplement II 1956-1958													English, French
Supplement III 1959-1963													English, French
Supplement IV 1964-1965													English, French
Supplement V 1968-1968													English, French
Supplement VI 1969-1971													English, French
Supplement VII 1972-1974													English, French
Supplement VIII 1975-1980													English, French
Supplement IX 1981-1984													English, French
Supplement X 1985-1988													Arabic, Chinese, English, French, Russian, Spanish[a]
Supplement XI 1989-1992													
Supplement XII 1993-1995													
Supplement XIII 1996-1999													
Supplement XIV 2000-2003													

[a] As mandated by the General Assembly in resolution 55/222, this Supplement and future Supplements of the *Repertoire* are to be published in all official languages of the United Nations.